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Letter dated 28 February 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement on the situation in Nepal, issued on 28 February 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a Security Council document.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

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Annex to the letter dated 28 February 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the situation in Nepal issued on 28 February 2005 by the Presidency on behalf of the European Union

The European Union Presidency issued a statement on 2 February expressing deep concern about the dissolution of the multiparty Government in Nepal and the assumption by the King of executive powers, and calling for the speedy restoration of multiparty democracy. Later all European Union member States with ambassadors in Nepal separately recalled their ambassadors for consultations in view of the seriousness of developments there. The ambassadors of France, Germany, and the United Kingdom and the chargé d'affaires e.p. of Denmark have now returned to Kathmandu.

The European Union continues to believe that the action taken by the King is a serious setback to the prospects for a negotiated and democratically based solution to the conflict in Nepal. The European Union calls upon the King to take early measures to restore democratic freedoms and civil liberties, and to lift the emergency powers he introduced following the takeover of power on 1 February.

In particular, the European Union calls for the restoration of representative democracy; the fast release of all political and other prisoners detained under emergency ordinances; for unrestricted access without the need for prior notice to all detainees to be given to the National Human Rights Commission and its representatives; for political parties and civil society organizations to be granted the freedom to organize and operate; for the lifting of reporting restrictions on the media; assurances of continued independence for the Commission for the Investigation of Abuse of Authority; and for the restoration of the right to assembly and other fundamental rights. The European Union further calls on the King to take the necessary steps to make sure that the representatives of the National Human Rights Commission will be able to carry out their mandate independently, effectively and without fear for their personal safety.

The European Union views with particular concern the current human rights crisis in Nepal, and the serious and systematic human rights violations by both sides in the conflict. The European Union believes that there is a clear and real danger that intensified conflict and the restrictions on democratic freedoms will lead to higher levels of human rights abuse. The European Union calls for respect for the human rights of the Nepalese people and compliance with international human rights norms and obligations.

The European Union is mindful of the impact the new political situation might have on security conditions in the country and on donors' ability to provide development assistance to poor people in Nepal. The European Union is concerned that intensified conflict could make it more difficult to deliver effective assistance and sustain development programmes. The European Union donors are therefore reviewing the development effectiveness of existing and planned activities in the new context. The European Union calls in particular for all involved in the conflict

to respect and publicly express commitment to donors' basic operating guidelines, to ensure the safety of all those working for and with development agencies, and to allow them to continue to carry out their assistance activities without interference.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.